

Entered - 10/03/03 - sb
CL03L0788 - DIANNE C. MITCHELL

CLAIM OF: **WILLIAM D. BELL**
715 LaVerne Drive, NW
Atlanta, Georgia 30318

04-R -0835

For damages alleged to have been sustained as a result of a series of sewer back ups between September, 2001 and March 27, 2003 at 715 LaVerne Drive, NW.

THIS ADVERSED REPORT IS APPROVED

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

ADVERSED

MAY 17 2004

Removed by Young 5/17/2004
ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: *5/16/04*

CHAIR: *J. L. DeLoach*

C. T. Martin

Paul S. Smith

Carla Smith



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30303
(404) 330-6033
FAX (404) 658-6273**

May 24, 2004

William D. Bell
715 LaVerne Dr., NW
Atlanta, GA 30318

04-R-0835

Dear Mr. Bell:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on May 17, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0788

Date: April 29, 2004

Claimant /Victim WILLIAM D. BELL

BY: (Atty)(Ins. Co.) _____

Address: 715 LaVerne Drive, NW, Atlanta, Georgia 30318

Subrogation: _____ Claim for Property damage \$ 6,000.00 Bodily Injury \$ _____

Date of Notice: 09/30/03 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) _____

Date of Occurrence Sept. 2001 to March 27, 2003 Place: 715 LaVerne Drive, NW

Department Watershed Management Division Sewer Operations

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant alleges his property was damaged due to a series of sewer back ups. However, the claim as presented does not comply with the requirements of notice as set forth in O.C.G.A. §36-33-5, in that the six month statute of limitations expired prior to receipt of the claim.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

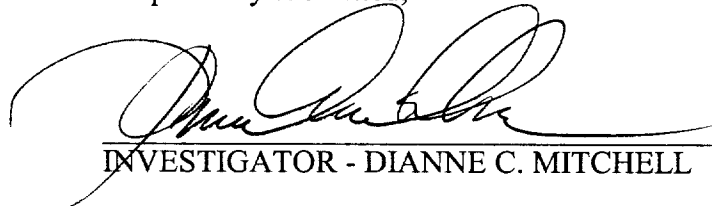
Improper Notice _____ More than Six Months X Other _____ Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,



INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____

Claims Manager:  Concur/date 04/29/04

Committee Action: _____ Council Action _____

RCS# 5741
5/17/04
4:49 PM

Atlanta City Council

Regular Session

04-R-0835

CLAIM WILLIAM D. BELL

ADVERSE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

Y Smith	NV Winslow	Y Shook	Y Martin	Y Mitchell
NV Starnes	Y Archibong	NV Muller	B Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	NV Mosley	Y Willis

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